



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Amalia S. Rioja  
People for Marty Castro  
1008 North Damen Avenue  
Chicago, IL 60622

APR 27 2005

RE: MUR 5405

Dear Ms. Rioja:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") obtained information indicating that People for Marty Castro and you, in your official capacity as treasurer, accepted corporate contributions from Apex Healthcare, Inc. made in the name of others.

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations are prohibited from making contributions or expenditures from their general treasury funds in connection with any election of any candidate for federal office. 2 U.S.C. § 441b(a). The Act also provides that no person shall make a contribution in the name of another person or knowingly permit their name to be used to effect such a contribution. 2 U.S.C. § 441f.

The Commission determined that the following two contributions came from a prohibited source:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
Monica Fletcher	2/19/2002	\$1,000.00
Marian Stang	2/21/2002	\$1,000.00

After considering the circumstances of the matter, the Commission determined on February 8, 2005, to take no action against People for Marty Castro or you, in your official capacity as treasurer. Nevertheless, the Commission reminds you that the treasurer of a political committee is responsible for examining all contributions received by the political committee for evidence of legality. 11 C.F.R. § 103.3(b). Contributions that present genuine questions as to whether they were made by legal sources may be deposited into a campaign depository or returned to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. 11 C.F.R. § 103.3(b)(1). If the treasurer determines that at the time a contribution was received and deposited it did not appear to be made in the name of another or exceed contribution limits, but later discovers that it is illegal based on new

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evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund the contribution within thirty days of the date on which the illegality was discovered. 11 C.F.R. § 103.3(b)(2). Because the prohibited source waived its right to a refund of these contributions, the money should be disgorged to the U.S. Treasury by sending a check for \$2,000, made payable to the U.S. Treasury and referencing MUR 5405, to the following address:

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lawrence H. Norton  
General Counsel

  
BY: Lawrence L. Calvert Jr.  
Deputy Associate General Counsel  
for Enforcement

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